

Exhibit D

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 09/30/2020

TIME: 12:50:00 PM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Martin W. Staven

CLERK: Patricia Ashworth

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: **37-2020-00015679-CU-IC-CTL** CASE INIT.DATE: 05/26/2020

CASE TITLE: **BEST REST MOTEL INC VS SEQUOIA INSURANCE COMPANY [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Insurance Coverage

APPEARANCES

The Court, having taken the above-entitled matter under submission on 09/25/2020 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Plaintiff dismissed Amtrust North America, Inc. for insurance coverage on June 26, 2020, so Amtrust's demurrer is moot.

Defendant Sequoia Insurance Co.'s demurrer to the complaint of plaintiff Best Rest Motel, Inc., dba Holiday Inn Express Old Town complaint is overruled. There are questions outside the complaint whether there is insurance coverage under this policy as a result of the coronavirus pandemic. Judicial notice is granted to defendant's exhibits 1-3, the various executive orders. The court grants judicial notice of exhibit 4, Department of Insurance "FAQ on business interruption insurance and other issues affecting California small businesses", and exhibits 5 and 6, the press releases, but not for the truth of the matters asserted therein.

Plaintiff's request for judicial notice of exhibits 1 and 2 are granted to the extent the County of San Diego Health and Human Services Agency, Public Health Services, Epidemiology and Immunization Services Branch; "County of San Diego – Coronavirus Disease 2019 (COVID-19) Interactive Data Set – Confirmed Cases by City" for the City of San Diego; (accessed September 14, 2020) published data, but not the for truth of the matters asserted.

Plaintiff's objections to the cases cited by defendant in the reply are overruled. There are sufficient facts alleged in the complaint to withstand a demurrer.

Defendant shall file and serve an answer by October 15 , 2020.